IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.6003 of 2006**

DATE OF DECISION: January 12, 2007

BHIM SINGH ...PETITIONER

VERSUS

STATE OF HARYANA & ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. RAJESH BHARDWAJ, ADVOCATE FOR THE PETITIONERS.
MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. RAJEEV KWATRA, SR.DAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner is aggrieved by the order (Annexures P-7 & P-8) vide which he has been compulsorily retired. One Parhlad who was facing trial under Section 302 IPC was under the charge of the petitioner. This accused while in custody of the petitioner escaped. The petitioner being, prima facie, guilty of gross negligence was compulsorily retired on attaining the age of 55. Learned counsel for the petitioner contends that a criminal case is going on against the petitioner, which is yet to be concluded, therefore, as the criminal case has not been decided, the petitioner could not have been retired compulsorily.

Reply has been filed on behalf of respondent Nos.1 to 4 wherein Annual Confidential Reports of the years 12.4.1990 to 31.3.1991 and thereafter from 24.7.05 to 13.3.2006 have been reproduced. A perusal of the same shows that the petitioner is not a disciplined member of the Police force and in column of Integrity and General Reputation, it has been recorded that he is an average type of ASI.

In view of the fact that the petitioner is not a disciplined member of the Police force and the fact that he was grossly negligent in performance of his duties, therefore, he has rightly been retired from service.

No merit. Dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

January 12, 2007
Gulati

(R.S. MADAN)
JUDGE